

05-06-04

1733

James E. Brunton
Bruce A. Jagger

Law Offices
BRUNTON & JAGGER
James E. Brunton
Patent, Trademark and Copyright Matters
700 North Brand Blvd, Suite #430
Glendale, California 91203
Telephone: (818) 956-7154

Mailing Address:
P. O. Box 29000
Glendale, California 91209
Telefax: (818) 549-8477

May 4, 2004

Honorable Commissioner of Patents
Post Office Box 1450
Alexandria Virginia 22313-1450

In re: **Serial No. 09/978,441-Applicant: Cole Williams**
"Waterproof Breathable Articles of Apparel"
Attorney Docket No. 99047A

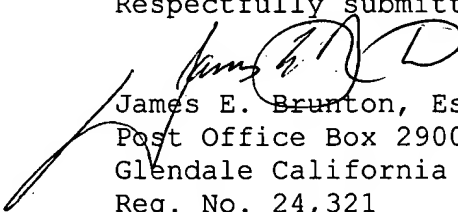
Dear Sir:

Transmitted herewith is a Response to the Notice of Non-Compliant Amendment mailed 4/22/04 (copy enclosed) for the above referenced Application and a self-addressed postcard.

The enclosed is being transmitted via Express Mail in order that the date of **May 3, 2004** will be the recorded date of receipt by the United States Patent and Trademark Office.

The Commissioner hereby has authorization to charge any insufficient fees or credit any overpayment to the deposit of Brunton & Jagger No. #10-0231.

Respectfully submitted,


James E. Brunton, Esquire
Post Office Box 29000
Glendale California 91209
Reg. No. 24,321

JEB:ar
Enclosure

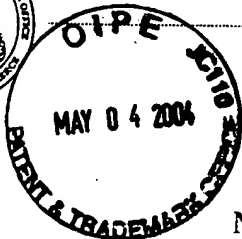
Express Mail# EL867931172US
Date of Deposit May 4, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.
James E. Brunton, Esquire,
Registration No. 24,321.

 5/4/04



UNITED STATES PATENT AND TRADEMARK OFFICE



ML
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4-12-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

T. Lovelace
Legal Instruments Examiner (LIE)

571272-1027
Telephone No.